

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

**CRAIG CUNNINGHAM**

**v.**

**ENAGIC USA, INC.**

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**Case No. 3:15-0847**

**To: Honorable David M. Lawson, District Judge**

**REPORT AND RECOMMENDATION**


By order entered on October 11, 2018 (Docket No. 291), matters relating to Defendant Susie Tremblay-Brown's motion to set aside default judgment (Docket No. 284) were referred to the undersigned. On February 14, 2019, a report and recommendation for resolution of Defendant Tremblay-Brown's motion was issued, which recommended, in part, that the default judgment against Defendant Tremblay-Brown be set aside and that Plaintiff be required to serve Defendant Tremblay-Brown with process. (Docket No. 292.) The report and recommendation was subsequently adopted by order entered on March 4, 2019 (Docket No. 293), and Plaintiff was ordered to serve Defendant Tremblay-Brown with the third amended complaint and a summons by no later than April 3, 2019. Upon Plaintiff's failure to demonstrate that Defendant Tremblay-Brown was served with process as ordered, a show cause order was issued on September 10, 2019 (Docket No. 301) ordering Plaintiff to show cause by no later than September 30, 2019 why Defendant Tremblay-Brown should not be dismissed from this case. Plaintiff failed to respond to the show cause order within the time directed.

It is therefore respectfully RECOMMENDED that Defendant Susie Tremblay-Brown be DISMISSED from this action with prejudice.

ANY OBJECTIONS to this Report and Recommendation must be filed with the Clerk of Court within fourteen (14) days of service of this Report and Recommendation and must state with particularity the specific portions of this Report and Recommendation to which objection is made.

See Fed. R. Civ. P. 72(b)(2) and Local Rule 72.02(a). Failure to file written objections within the specified time can be deemed a waiver of the right to appeal the District Court's Order regarding the Report and Recommendation. See *Thomas v. Arn*, 474 U.S. 140, 106 S.Ct. 466, 88 L.Ed.2d 435 (1985); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981). Any response to objections must be filed within fourteen (14) days of service of the objections. See Fed. R. Civ. P. 72(b)(2) and Local Rule 72.02(b).

Respectfully submitted,

  
BARBARA D. HOLMES  
United States Magistrate Judge